OGC 67-1577

29 September 1967

MEMORANDUM FOR: Director of Central Intelligence

SUBJECT: Clay L. Shaw's Trial and the Central Intelligence Agency

1. This memorandum is for information.

2. The investigation of District Attorney Garrison of New Orleans into the assassination of President Kennedy, and his attack on the Warren Commission report, now focuses on one facet--the trial of Clay L. Shaw, who has been indicted for conspiracy to assassinate the President. In his public announcements Garrison has been careful not to reveal his theory of the trial. Technically, he could restrict himself to an attempt to prove a conspiracy among Shaw, Oswald, the pilot Ferrie, and possibly others without involving CIA at all. As we understand Louisiana law, Garrison will have to prove at least one overt act in pursuance of the conspiracy, and with Oswald and Ferrie both dead, we do not at the moment know of such an act which he could prove.

3. We speculate, therefore, that he will try to involve others and bring out testimony that they were involved in such things as the movement of arms and money in pursuance of the conspiracy. Again, conceivably this could be done without involving CIA. Indeed, in his most recent pronouncements, Garrison has been concentrating on an unidentified group of Dallas oil men of the extreme right-wing type, who he says were the instigators, backers, and real controllers of the conspiracy. He plays the recurring theme, however, that those who actually carried out the assassination were people who had been associated with CIA and that CIA had set up Oswald as the "patsy" to detract

attention from the true assassins. He also says that CIA is a part of a giant conspiracy on the part of "the establishment" and the Dallas oil men to conceal the true facts. It would seem probable, therefore, that Garrison would attempt to involve CIA in the Shaw trial, and from what we know, he should be able to produce witnesses who can testify at least to some peripheral connection with his case. Despite the fact that Garrison's theories are basically and preposterously false, therefore, he may well be able to involve CIA in the Shaw trial.

4. Garrison has thrown out so many theories, names, and efforts in different contexts that it is difficult to construct a clear scenario, but the following speculations will serve to illustrate the problems with which we will be faced if Garrison pursues this course:

a. A witness, Carlos Quiroga, might testify that Ferrie was a friend of Sergio Arcacha Smith, who was associated with the Cuban Democratic Revolutionary Front (CDRF) until January or February 1962 and that Ferrie and Arcacha Smith were involved in a cache of arms in 1961. Garrison attempted to extradite Arcacha Smith from Texas to testify before the Grand Jury but was not successful. [redacted]

b. Rudolph Ricardo Davis might testify about a training camp across the lake from New Orleans, possibly at Lacombe, Louisiana, run by a Cuban exile group (MDC) not affiliated with CIA, and that connected with this camp were Victor Paneque and Fernando Fernandez. Davis claims he met Oswald in the fall of 1963 in connection with anti-Castro activities. Paneque was also identified by Quiroga, the possible witness mentioned above, as having been in charge of the training camp at Lacombe, which Garrison falsely asserts was run by CIA. [redacted]

[redacted]

[redacted]

c. Garrison has questioned a Cuban named Santana, after which Garrison inferred that Santana owned a rifle like Oswald's. Garrison alleges that Santana was in Dealy Plaza at the time of the assassination on orders of the alleged conspirators Shaw, Oswald, Ferrie, and Arcacha Smith. [redacted]

d. Garrison's office has questioned a Carlos Bringuier, who denied any CIA contact. But, according to reports, Garrison will try to introduce evidence that Bringuier had knowledge of an alleged affiliation of Oswald with CIA. Also, according to the Warren Commission report, there was an altercation and fight between Oswald and Bringuier in August 1963 and a radio debate between them on 21 August 1963 when Oswald identified himself as a Marxist. Bringuier had some contact with the Domestic Contact Service's New Orleans office [redacted]

e. Garrison has falsely stated that Gordon D. Novel was a CIA agent and that one of his lawyers, Stephen Plotkin, was paid by CIA. Garrison says he can prove that Novel, along with Arcacha Smith and

[redacted]

others, robbed a munitions bunker at Houma, Louisiana at the instigation of CIA. Garrison may claim that this robbery was one of the overt acts of the conspiracy. Actually, Novel has never at any time had any association with the Agency nor has his lawyer, Stephen Plotkin.

f. Donald P. Norton has been questioned at length by Garrison, and Norton has falsely claimed in a newspaper article that he worked for CIA from 1957 to 1966, and that in 1962 Clay Shaw gave him $50,000, which he took to Monterrey, Mexico and gave to Oswald. Here again Garrison may claim that this is the overt act in the conspiracy. There is no truth in Norton's story in any respect.

5. We could continue to speculate about some of the other names involved, but the foregoing is sufficient to illustrate the potential problem. Certainly, the story of CIA's connections and interrelationships would be enough to at least confuse a jury thoroughly. Shaw's lawyers have no way of refuting these stories except by attacking the credibility of the witnesses or introducing other witnesses to impeach their stories. They have so far no Government information which they can use for this purpose. The Government, and particularly CIA, is placed in a quandary. If it were to deny the Norton and Novel stories, which are wholly untrue, it would have to make some partial admissions at least in connection with Laborde, Santana, and possibly Paneque, Bringuier, and others. Shaw himself was a contact of the Domestic Contact Service's New Orleans office from 1948 to 1956 and introduced General Cabell, then Deputy Director of Central Intelligence, when he addressed the New Orleans Foreign Policy Association in May 1961. In view of this dilemma, the Department of Justice has so far taken the position that if any effort is made by either the prosectuion or defense to involve CIA in the trial, the Government will claim executive privilege. This, too, can be turned by Garrison into a claim that it is part of the whole cover up by the establishment and particularly by CIA. No alternative to the claim of privilege appears to be available, however. To protect the Government's position on privilege, it would appear that the Government cannot take any action publicly to refute Garrison's

[redacted]

claims and the testimony of his witnesses, as the Louisiana judge would almost certainly take the position that any such public statement would negate the privilege.

6. At the present time, therefore, there is no action we can recommend for the Director or the Agency to take. If during the trial it appears that Shaw may be convicted on information that could be refuted by CIA, we may be in for some difficult decisions. There is one positive aspect at the present time, which is that outside of Louisiana the U. S. press and public opinion appear to be extremely skeptical if not scornful of Garrison's allegations. We can only wait and see whether the trial will influence this attitude either way.

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General Counsel

OGC:LRH[redacted]
cc: DDCI
ExDir-Comp
DDP
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